



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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MEETING MINUTES:

BOARD OF PROFESSIONAL LAND SURVEYORS

DATE AND TIME:

Thursday, October 20, 2011 at 8:30 a.m.

PLACE:

861 Silver Lake Boulevard, Dover, Delaware
Conference Room A, second floor of the Cannon Building

APPROVED:

November 17, 2011

MEMBERS PRESENT

Michael Szymanski, Professional Member, Chair
James Bielicki, Jr., Professional Member, Vice Chair
Mary Chvostal, Public Member, Secretary
Thomas Plummer, Professional Member
Laurence McBride, Professional Member
Mark Rosenthal, Public Member

DIVISION STAFF

Patty Davis-Oliva, Deputy Attorney General
Sandra Wagner, Administrative Specialist III
James Collins, Director
Kay Warren, Deputy Director

MEMBERS ABSENT

None

PUBLIC

James Collins, Director
Robert Gilligan, Speaker of the House
Michael Paraskewich, PLS
Donald Elrod, PLS
Charles Knothe, Esq.
R. B. Kemp III, PLS
Charlie Adams, PLS
John Sullivan, Esq.
Tom Whitehead, PLS
Michael Early, PLS

Mike Cartolano, PLS
Caroline Tinsley, Realtor

CALL TO ORDER

Mr. Szymanski called the meeting to order at 8:35 a.m.

Review and Approval of Minutes

Mr. Rosenthal made a motion, seconded by Mr. McBride to approve the September 2011 minutes. The motion was unanimously approved.

Hearing for Rules and Regulations

Minutes will follow the regular Board minutes.

NEW BUSINESS

Courses for Continuing Education Approval

Mr. Plummer reviewed the information received by Robert Wijkowski for PDHs and recommended approval. Mr. McBride made a motion, seconded by Ms. Chvostal, to approve 2011 Annual Meeting in Connecticut for Land Titles Surveys – A Field Perspective for **3.0 PDHs**, Managing Your Business in Challenging Times for **2.0 PDHs**, Ethics of being a Professional for **1.0 PDHs in ethics**, and Update on the Department of Energy and Environmental Protection (Deep) High Tide Line for **1.0 PDH**. The motion was unanimously approved.

Mr. Plummer reviewed the applications from Steve Adkins for PDHs and recommended approval. Mr. Bielicki made a motion, seconded by Mr. Rosenthal, to approve both Introduction to Mapping and GIS for Operators for **7 PDHs** and Introduction to Stormwater Best Management Support Practices for **4.5 PDHs**. The motion was unanimously approved.

Mr. Plummer reviewed the application from Harlan Peterson for PDHs and recommended approval. Ms. Chvostal made a motion, seconded by Mr. McBride, to approve 2011 Summer Series-Supervisory/Management Support Workshops for 4 PDHs. The Board discussed the whole request by Mr. Peterson instead of taking each line by line and Ms. Chvostal asked to withdrawal her first motion. Ms. Chvostal made a motion, seconded by Mr. McBride, to approve the request for the total of **14 PDHs** that Mr. Peterson is requesting. The motion was unanimously approved.

Discussion of Expired Licenses- Reapplication/reapply

This discussion was completed at the September Board meeting.

Review of Applications for Examination

Mr. Bielicki reviewed the application for Mr. Dennis White. Mr. Bielicki made a motion, seconded by Ms. Chvostal, to table Mr. White's application as it seems Mr. White is missing a verification form from Earl D. Smith. The motion was unanimously approved.

Review of Application for Reciprocity

There were no applications for Reciprocity for review.

Ratification of Issuance of Land Surveying Certificates of Authorization

After discussion, Mr. Bielicki made a motion, seconded by Mr. McBride, to ratify the application of certificate of authorization for Loblolly Land Surveying. The motion was unanimously approved.

Complaint Assignments

There were no new complaint assignments.

Complaint Status

There were two complaints dismissed by the Attorney General's office and one closed by the investigators.

Hearings/Consent Agreements/Board Orders

Bruce McKenna: tabled until November's Board meeting.

Closed Complaints

There were three complaints closed in October.

Wall Certificates

There were no wall certificates to sign for October's meeting.

Audit Compliance Update

There were no updates on the Audit Compliance.

Executive Session - There was no discussion under Executive Session for October.

OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)

Ms. Wagner told the Board that Ms. Rowe has resigned from the Board.

Mr. Szymanski asked Ms. Wagner to contact Peggy Abshagen about the NCEES Zone meeting in May because it is going to be held in Delaware in 2012. Mr. Szymanski would like Ms. Wagner to find out how the Board can be of assistance to Ms. Abshagen and he wants Ms. Wagner to contribute and attend as well if possible.

PUBLIC COMMENT

There was no public comment for regular Board Agenda. (All public comment was addressed in hearing)

NEXT MEETING

The next scheduled meeting of the Board is November 17, 2011 at 8:30 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business before the Board, Mr. Rosenthal made a motion, seconded by Ms. Chvostal, to adjourn the meeting at 1:00 p.m. The motion was unanimously approved.

Respectfully Submitted,



Sandra Wagner
Administrative Specialist III

HEARING MINUTES

The Delaware Board of Professional Land Surveyors held a hearing on October 20, 2011 at 9:00 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, Delaware.

PRESENT: Michael Szymanski, James Bielicki, Larry McBride, Thomas Plummer, Mary Chvostal, and Mark Rosenthal

RECUSED:

EXCUSED:

PURPOSE: Rules and Regulations Hearing for 12.0

PRESIDING: Michael Szymanski, Presiding Chair

BOARD STAFF: Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, DAG.

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Public

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT: James Collins, Robert Gilligan, Michael Paraskewich, Donald Elrod, Charles Knothe, R. B. Kemp, Charles Adams, John Sullivan, Tom Whitehead, Michael Early, Mike Cartolano, and Caroline Tinsley

COURT REPORTER PRESENT: Terry Burke, Wilcox and Fetzer

TIME STARTED: 9:00 a.m.

The court reporter took verbatim testimony. The Board members introduced themselves. Ms. Davis-Oliva described the reason for the hearing. Ms. Davis-Oliva entered States exhibits 1 and 2 which are from our previously held rules and regulations hearings. Ms. Davis-Oliva entered documents as October Exhibits 3, 4, 5, 6, and 7. The Board took a 15 minute break before starting deliberations. The Board went off the record for deliberations at 11:30 a.m. The Board took a break for 5 minutes. The Board went back on the record at 12:45 p.m. Mr. Bielicki made a motion, seconded by Mr. Rosenthal, to approve the changes made to rule 12.7.2.5. The motion was unanimously approved. Mr. Bielicki made a motion, seconded by Mr. Rosenthal to approve the changes made to rule 12.8.3.5. The motion carried with Mr. Szymanski and Ms. Chvostal opposing. Hearing concluded at 12:50 p.m.